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EXAMINER

PETERSON, KENNETH E

ART UNIT PAPER NUMBER

3724

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/087,559

**Applicant(s)**

LAMOTHE, RICHARD P.

**Examiner**

Kenneth E Peterson

**Art Unit**

3724

*J.W.*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5,8-10,17,20 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,7,11-16,18,19,21 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.                      6) ☐ Other:

Art Unit: 3724

1. Claims 2,3,5,8,9,10,17,20 and 22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 4.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the utilization device of claims 1 and 21 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

✓ A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 4,18,19, 21 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not understood how the slave roller 246 drives the slit web faster than the master roller, as set forth on lines 6 and 7 of page 6. Other portions of the specification

Art Unit: 3724

and claims seem to indicate that there is slipping between the slave roller and the slit web such that the slit web does *not* move faster than the master roller.

✓ No support can be found in the specification for the recitation in claim 21 "at least  $(n-1)/2$  slave rollers where  $n$  is an odd number, or at least  $(n-1)/2 + \frac{1}{2}$ ", nor their being " $n-1$  turnbar rollers.

5. Claims 16, 21 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ Claim 16 recites that the slitters and turnbars are bypassable. It is not clear what structure is being referred to here, and thus it is not clear what weight should be given to the claims.

✓ Claim 21 recites  $n$  slitters and  $n-1$  turnbar rollers. This does not seem to mesh with Applicant's elected figure three, which shows the same number of slitters as there are turnbar rollers. For this reason, it is not clear how the scope of the claim should be determined.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3724

7. Claims 1,6,11,12,16 and 21, as can be understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Katz, et al., who shows a web handling apparatus having all of the recited limitations including a "utilization device" (136), plural slitters (142,144,146), a cross-cutter (168,169), a driven master and slave rollers (left of cross-cutter in figure 8) and plural turnbars (150,151,157).

In regards to claim 16, the slitters and turnbars are "bypassable" by manually pulling the web to circumnavigate them.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1,4,6,11,12,16,18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. in view of Kishine et al.

Katz, as set forth above, shows a web handling conveyor with all of the recited limitations except the slave roller is not faster than the master roller. However, Examiner takes Official Notice that it is well known in the art of web handling conveyors to have some of the rollers exceed the speed of the web and to exceed the speed of other rollers so as to maintain a certain tension in the web. An example of such technology is shown by Kishine et al., who shows a web handling apparatus having turnbars and a few rollers that go faster than other rollers (see abstract). It would have been obvious to one of ordinary skill in the art to have modified Katz by making his

Art Unit: 3724

slave roll go faster than the advancing web, as is well known and taught by Kishine, in order to properly tension the web.

10. Claims 1,6,7,11,12,13,16,21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. in view of Hamlin.

Katz, as set forth above, shows a web handling conveyor with all of the recited limitations except the turnbars are not angle-adjustable. However, Examiner takes Official Notice that it is well known in the art of web handling conveyors to have the turnbars be angle-adjustable. An example of such is seen in Hamlin, who shows turnbars (18) that can be set at any angle. It would have been obvious to one of ordinary skill in the art to have made Katz's turnbars be angle-adjustable, as is well known and taught by Hamlin, in order to best align the turnbars.

11. Claims 1,6,11,12,14,15,16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. in view of Bahrani and Miller.

Katz, as set forth above, shows a web handling conveyor with all of the recited limitations except the slit webs do not wrap all the way around the turnbars. However, Examiner takes Official Notice that it is well known in the art of web handling conveyors to have the slit web wrap 360° around the turnbar (for example, see Bahrani's figure 3) or to have the web wrap around the turnbar by multiples of 360° (for example, see Miller). It would have been obvious to one of ordinary skill in the art to have employed the turnbars that get wrapped one or more times by the web, as is well known and

taught by Bahrani and Miller, since they are art recognized equivalents known for the same purpose of laterally shifting the web to align with another web or with another tool feature. See MPEP 2144.06.

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. in view of Kishine et al., as set forth above, and further in view of Bahrani.

Katz, as modified above, shows a web handling conveyor with all of the recited limitations except the slit webs do not wrap all the way around the turnbars. However, Examiner takes Official Notice that it is well known in the art of web handling conveyors to have the slit web wrap 360° around the turnbar (for example, see Bahrani's figure 3). It would have been obvious to one of ordinary skill in the art to have employed the turnbars that get wrapped one or more times by the web, as is well known and taught by Bahrani, since they are art recognized equivalents known for the same purpose of laterally shifting the web to align with another web. See MPEP 2144.06.

13. Made of record but not relied on are numerous additional patents showing turnbar technology.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Peterson whose telephone number is 703-308-2186. The examiner can normally be reached on Monday-Thursday, 7:30-4:30. If


Art Unit: 3724

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached at 703-308-1082.

All responses are encouraged to be by fax at 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

kp

October 28, 2003



KENNETH E. PETERSON  
PRIMARY EXAMINER